

11/12/99  
JCS25 U.S. PTO  
09/439594

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification Prior Application:  
of this Application: Exam'r: Not Yet Known  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Attorney's  
Docket No.: Enz-58(Div1)  
Group Art Unit: Not Yet Known  
Prior Group Art Unit: 1634

## FILED BY EXPRESS MAIL

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231 **BOX FWC (if under \$1.62)**

Sir:

This is a request for filing a CONTINUATION X DIVISIONAL CONTINUATION-  
IN-PART application under X 37 CFR §1.60 37 CFR §1.62, of pending  
prior application Serial No. 09/104,067 filed on June 24, 1998 of

Elazar Rabbani et al.  
Inventor(s)

for:


### **NOVEL PROCESSES FOR AMPLIFYING NUCLEIC ACID, POST-TERMINATION LABELING PROCESS FOR NUCLEIC ACID SEQUENCING AND PRODUCING NUCLEIC ACID HAVING DECREASED THERMODYNAMIC STABILITY**

Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. X A copy of the verified statement under 37 CFR §1.9 and §1.27 establishing small entity status in the prior application is enclosed. Small entity status is still applicable.
3. X The filing fee is calculated as follows:

| CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT                |                 |   |                 |   |                 |                 |                 |                 |
|--|-----------------|---|-----------------|---|-----------------|-----------------|-----------------|-----------------|
|  | Number<br>Filed |   | Number<br>Extra |   | RATE            |                 | FEE             |                 |
|  |                 |   |                 |   | Small<br>Entity | Other<br>Entity | Small<br>Entity | Other<br>Entity |
| Total<br>Claims  | 1               | = | 0               | x | \$ 9            | \$ 18           | = \$ 0          | \$ ---          |
| Independent<br>Claims  | 1               | = | 0               | x | \$ 39           | \$ 78           | = \$ 0          | \$ ---          |
| Multiple Dependent<br>Claims Presented: _____ Yes _____ No             |                 |   |                 |   | \$130           | \$260           | \$              | \$ ---          |
| * If the difference in Col. 1 is less than zero, enter "0" in<br>Col.2 |                 |   |                 |   | BASIC<br>FEE    |                 | \$380           | \$760---        |
|  |                 |   |                 |   | TOTAL<br>FEE    |                 | \$380           | \$ ---          |

Attorney's Docket No. Enz-58(D1)

|  |                          |
|--|--------------------------|
| <b>EXPRESS MAIL CERTIFICATE</b>  |                          |
| "Express Mail" Label No.   | <u>EL5222787440S</u>     |
| Deposit Date   | <u>NOVEMBER 12, 1999</u> |
| I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231 |                          |
| <br>Ronald C. Fedus<br>Reg. No. 32567  | <u>NOV 12 99</u><br>Date |

4.   X   The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.

  X   Any additional filing fees required under 37 CFR §1.16.

  X   Any patent application processing fees under 37 CFR §1.17.

5.   X   The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.

  X   Any patent application processing fees under 37 CFR §1.17.

       The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

       Any filing fees under 37 CFR §1.16 for presentation of extra claims.

6.        A check in the amount of \$                      is enclosed.

7.   X   Cancel claims   2-59  .

8.   X   Amend the specification by inserting before the first line of the sentence: ---- This is a        continuation,   X   divisional,                      continuation-in-part, of application Serial No. 09/104,067, filed on June 24, 1998. ---

9.        Transfer the drawings from the prior application.

10.   X   Informal   X   Formal        drawings are enclosed.

11.        Abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

12.        Priority of application Serial No.                      filed on                      is claimed under 35 U.S.C. §119. The certified copy of the priority application has been filed in prior application Serial No.                     , filed                     .

13.   X   The prior application is assigned of record to Enzo Diagnostics, Inc., c/o Enzo Biochem, Inc., 527 Madison Avenue, New York, New York 10022. [A copy of the originally submitted Assignment and the Notice of Recordation are enclosed herewith.]

14.   X   A preliminary amendment is enclosed.


15.   X   The power of attorney in the prior application is to:  
Ronald C. Fedus, Reg. No. 32,567.
- (a)   X   The power appears in the original papers in the  
prior application.
- (b)        Since the power does not appear in the original  
papers, a copy of the power in the prior application  
is enclosed.
- (c)        A copy of a new substitute power of attorney is  
enclosed.
- (d)   X   Address all future communications to: (May only  
be completed by applicant, or attorney or agent of  
record.)

Ronald C. Fedus, Esq.  
Enzo Diagnostics, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9th Floor)  
New York, New York 10022

16.   X   I hereby verify that the attached papers are a true copy of prior  
application Serial No. 09/104,067, filed on June 24, 1998.

The undersigned declares further that all statements made herein of his own  
knowledge are true and that all statements made on information and belief are  
believed to be true; and further that these statements were made with the  
knowledge that willful false statements and the like so made are punishable by fine  
or imprisonment, or both, under Section 1001 of Title 18 of the United States Code  
and that such willful false statements may jeopardize the validity of the application  
or any patent issuing thereon.

November 12, 1999  
Date



Ronald C. Fedus  
Registration No. 32, 567  
Attorney for Applicants

       Inventor(s)  
       Assignee of Complete Interest  
  X   Attorney or Agent of Record  
       Filed under 37 CFR §1.34(a)

Address of Signator:  
Enzo Diagnostics, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9th Floor)  
New York, New York 10022